

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:13-cr-0092-WTP-DML
)	
ERNESTO MEZA,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On August 29, 2017, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 16, 2017. Defendant Meza appeared in person with his appointed counsel Michael Donahoe. The government appeared by Brad Shepard, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jay Hardy.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Meza of his rights and ensured he had a copy of the Petition. Defendant Meza orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Meza admitted violation 1. [Docket No. 10.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- | | |
|---|---|
| 1 | “The defendant shall refrain from any unlawful use of a controlled substance.” |
|---|---|


On August 1, 2017, the offender submitted a urine sample which tested positive for cocaine. On August 16, 2017, Alere Laboratories confirmed the sample was positive for cocaine metabolite.

4. The Court finds that:
 - (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is IV.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 12 to 18 months' imprisonment.
5. The parties jointly recommended a sentence of ninety (90) days in the Bureau of Prisons with no supervised release to follow. Defendant requested placement at the lowest security facility in or near Terre Haute, Indiana at which the defendant qualifies for placement.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of ninety (90) days with no supervised release to follow. The Magistrate Judge further recommends that Defendant be allowed to self-report to the Bureau of Prisons upon designation. The Magistrate Judge further recommends placement at the lowest security facility in or near Terre Haute, Indiana at which the defendant qualifies for placement.

The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 29 AUG 2017



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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